

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-3, 5-9 and 19-29 are now pending in the present application. Claims 1-3 and 5-8 have been amended, claims 4 and 10-18 have been cancelled and claims 19-29 have been added. Claims 1, 8 and 29 are independent. The Examiner is respectfully requested to reconsider his rejections in view of the Amendments and Remarks as set forth hereinbelow.

It should be noted that the present Amendment supersedes the Amendment filed on March 18, 2005. Therefore, the Amendment dated March 18, 2005 should not be entered.

Acknowledgement of Foreign Priority

In the Examiner's Advisory Action dated April 18, 2005, the Examiner indicates that the "priority document was made on form PTO-326 in the office action mailed on 9/22/03." However, Applicants are unaware of any Office Action mailed on September 22, 2003. The only Office Action mailed near this date is the Office Action dated October 2, 2003.

In the Examiner's Office Action dated October 2, 2003, Applicant's claim for foreign priority has been acknowledged; however, it has not been indicated that the certified copy of the priority document has been received. The certified copy of the JP 2000-098983 priority document was submitted to the U.S. Patent Office on March 30, 2001. **It is respectfully requested that the Examiner acknowledge the receipt of the priority document in the next Office Communication.**

Rejections Under 35 U.S.C. § 103

Claims 1-3 and 5 stand rejected under 35 USC 103(a) as being unpatentable over Morinaka et al., U.S. Patent No. 5,025,883, in view of Joao, U.S. Patent No. 6,542,076 in view of McMahon, U.S. Patent No. 3,908,168 and further in view of Hesker, U.S. Patent No. 6,351,242. Claims 6 and 7 stand rejected under 35 USC 103(a) as being unpatentable over Morinaka et al., in view of Joao, in view of McMahon, in view of Hesker, in view of Yamaura et al., U.S. Patent No. 6,292,107 and further in view of Kusunoki, U.S. Patent No. 5,763,957. Claims 8 and 9 stand rejected under 35 USC 103(a) as being unpatentable over Kusunoki, in view of Hesker, and further in view of McMahon. These rejections are respectfully traversed.

The present invention is directed to a remote control trunk assembly and a remote controller for a remote control trunk assembly. Independent claim 1 is directed to the remote control trunk assembly and recites a combination of elements including “a radio signal receiving unit, said radio signal receiving unit receiving a radio signal for remotely operating said opening mechanism.” Independent claim 8 is directed to the remote controller and recites a combination of elements including “an opening button for sending a radio signal to the radio signal receiving unit to unlock and open the trunk.” Applicants respectfully submit the references relied on by the Examiner fail to teach or suggest the present invention as recited in independent claims 1 and 8.

Independent claim 1 and dependent claims 2, 3 and 5-7

Morinaka et al. is directed to a motorcycle having a central trunk 24 and side trunks 55 and 58. As recognized by the Examiner, this reference fails to disclose a remote control for a

trunk. However, the Examiner relies on the Joao reference in order to modify Morinaka et al. to include a remote control for the trunk. Applicants respectfully submit that the modification proposed by the Examiner would not arrive at the present invention as recited in independent claim 1.

The Examiner asserts that the Joao reference discloses an electronic locking mechanism for a motorcycle trunk and therefore it would be obvious to modify Morinaka et al. to include such a locking mechanism. While not conceding to the appropriateness of the Examiner's modification, Applicants submit that even if the Morinaka et al. motorcycle were modified to include the Joao locking mechanism, the combination of references would still not arrive at the present invention.

Referring to column 27, lines 56-62 of the Joao reference, it is stated "[t]he vehicle equipment system(s) 11 may also include electrical and/or electronically controlled *dead bolt locking devices* for use on doors, windows, hood, trunk and/or in conjunction with any other opening components and/or components for gaining access to various locations on and/or in, and/or any systems, devices, and/or components of, the vehicle." (emphasis added).

In view of the above, the Joao reference discloses remote operation of a dead bolt locking device for a trunk. However, the Joao reference is silent with regard to remote operation of an opening/closing mechanism as recited in independent claim 1 of the present invention. Specifically, independent claim 1 recites "a radio signal receiving unit, said radio receiving unit receiving a radio signal for remotely operating *said opening mechanism*." (emphasis added). Since the Joao reference only discloses remote operation of a locking mechanism and not an opening mechanism, Applicants submit that the modification of the Morinaka et al. reference in

view of the Joao reference fails to arrive at the present invention as recited in independent claim 1.

In the Examiner's Advisory Action dated April 12, 2005, the Examiner appears to have taken the position that the dead bolt locking device to be the same as the opening mechanism of the presently claimed invention. Although Applicants are in complete disagreement with the Examiner, in order to expedite prosecution of the present application, independent claim 1 has been amended to clarify what the term "opening" means. Specifically, independent claim 1 has been amended to recite "at least one lid respectively mounted on each of said at least one trunk to move from an open position where the at least one lid is in contact with the at least one trunk to a closed position where the at least one lid is separated from the at least one trunk" and "an opening mechanism for opening each of said at least one lid to separate each of the at least one lid from the at least one trunk, respectively."

As should be understood by the Examiner, the dead bolt locking device of Joao only places the trunk in a locked position where the trunk cannot be opened by an opening device or an unlocked position where the trunk can be opened by an opening mechanism. In view of this, Joao fails to disclose an opening mechanism as recited in independent claim 1. In view of this, the Joao reference fails to make up for the deficiency of Morinaka et al.

With regard to the Examiner's reliance on the McMahon reference, this reference is directed to a radio communication system. McMahon fails to teach or suggest a "radio signal receiving unit receiving a radio signal for remotely operating said opening/closing mechanism" as recited in independent claim 1. Accordingly, McMahon fails to make up for the deficiencies of Morinaka et al. and Joao.

With regard to the Examiner's reliance on the Hesker reference, this reference is directed to an antenna unit. Hesker also fails to teach or suggest a "radio signal receiving unit receiving a radio signal for remotely operating said opening/closing mechanism" as recited in independent claim 1. Accordingly, Hesker fails to make up for the deficiencies of Morinaka et al., Joao and McMahon.

With regard to dependent claims 2, 3 and 5-7, Applicants respectfully submit that these claims are allowable due to their dependence on independent claim 1, as well as due to the additional recitations in these claims.

Independent claim 8 and dependent claim 9

The Examiner relies on the Kusunoki, Hesker and McMahon references in order to render obvious the present invention as recited in independent claim 8. Referring to the Kusunoki reference, this reference is directed to a trunk unlatching device. Referring to column 3, lines 53-57 of Kusunoki, it is stated "... a plurality of door locking and unlocking and *trunk (latching and unlatching)* position sensors 7B arranged for detecting whether the corresponding door of the vehicle doors is locked or unlocked and *whether the trunk is latched or unlatched* in addition to the ignition key insertion sensor 7." (emphasis added).

In view of the above, it becomes clear that Kusunoki discloses doors of a vehicle being locked or unlocked by remote control. However, there is no disclosure in Kusunoki that the trunk of a vehicle is locked or unlocked as recited in independent claim 8 of the present invention. Referring again to the above-quoted portion of Kusunoki, the sensors only determine

“whether the trunk is latched or unlatched.” There is no indication in this reference that the trunk is locked or unlocked as in the presently claimed invention.

In addition, it should be noted that independent claim 8 requires three buttons for performing three entirely different operations. First, a locking button is provided for locking the trunk. Second, an unlocking button is provided for unlocking the trunk. Third, a pop-up button is provided for unlocking and popping-up the trunk. Applicants submit that the Kusunoki reference fails to disclose three buttons are recited in independent claim 8.

In the Examiner’s Office Action, the Examiner asserts that a locking/unlocking button is disclosed at column 3, lines 47-57 of Kusunoki. However, as explained above, this portion of Kusunoki only discloses a latching and unlatching mechanism for the trunk, not a locking/unlocking mechanism as recited in claim 8. In addition, there are two elements recited in claim 8 that perform the locking and unlocking functions. Specifically, claim 8 recites “a locking button” and “an unlocking button.” In view of this, even if the Kusunoki reference did, in fact, disclose a locking/unlocking mechanism, a fact that Applicants do not agree with, the Kusunoki reference certainly fails to disclose a locking button and an unlocking button as recited in claim 8.

The Examiner also relies on column 4, line 1 of Kusunoki to disclose the opening button of the present invention. However, column 3, line 66 through column 4, line 3 of Kusunoki merely states “The cancel switch (a first canceling circuit) 2 is manually turned off (activated) when a trunk unlatch inhibit state, such that the activation of the trunk opener switch 5 is made ineffective is desired to be carried out by a vehicular occupant.” It is not understood how this

portion of Kusunoki discloses “an opening button for unlocking and opening the trunk.” Accordingly, clarification is requested.

In the Examiner’s Advisory Action dated April 18, 2005, the Examiner states “the examiner considers the latching and unlatching is equivalent to locking and unlocking.” Applicants do not agree with the Examiner’s position. Locking and latching are not the same. A lock is a device that would prevent a door from being unlatched. However, a latch is simply a mechanism that holds a door shut unless the door is opened by operating the latch.

In any event, as mentioned above, independent claim 8 also recites three (3) buttons that perform three (3) entirely different functions. Specifically, independent claim 8 recites “a locking button,” “an unlocking button” and “an opening button.” The opening button performs the function of unlocking the trunk and opening the at least one lid. In the Examiner’s Advisory Action, the Examiner has not provided any comments with regard to how the Kusunoki reference discloses this aspect of the present invention. Since the remote control 10 of Kusunoki only discloses two buttons (S1 and S2 in Figure 1), this reference fails to teach this aspect of the present invention.

With regard to the Examiner’s reliance on the McMahon and Hesker references, these references also fail to disclose a locking button, an unlocking button and a pop-up button as recited in independent claim 8. Therefore, these references fail to make up for the deficiencies of Kusunoki.

With regard to dependent claim 9, Applicants respectfully submit that this claim is allowable due to its dependence on independent claim 8, as well as due to the additional recitations in this claims.

In view of the above remarks, Applicants respectfully submit that claims 1-3 and 5-9 clearly define the present invention relied on by the Examiner. Accordingly, reconsideration and withdrawal of the Examiner's rejections under 35 U.S.C. § 103(a) are respectfully requested.

Additional Claims

Additional claims 19-29 have been added for the Examiner's consideration. Applicants submit that additional dependent claims 19-28 are allowable due to their respective dependence on independent claims 1 and 8, as well as due to the additional recitations in these claims.

With regard to additional independent claim 29, Applicants submit that this claim clearly defines over the references relied on by the Examiner.

Favorable consideration and allowance of additional claims 19-29 are respectfully requested.

CONCLUSION

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination.

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but to merely show the state of the art, no comment need be made with respect thereto.

In view of the above amendments and remarks, reconsideration of the rejections and allowance of all of the claims are respectfully requested.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response

has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (703) 205-8000 in the Washington, D.C. area.

A prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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